

**Town of Clarence  
Planning and Zoning**

# Memo

**To:** Town Board Members

**From:** James Callahan, Director of Community Development

**cc:** Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

**Date:** February 2, 2017

**Re:** February 8, 2017 Town Board Meeting

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**Following is a review/analysis of the items listed on the February 8, 2017 Town Board Meeting Agenda:**

**PUBLIC HEARINGS:**

**1. MARY SELLAN/CALIFORNIA DETAILING, 8510 ROLL ROAD.**

**Location:** North side of Roll Road west of Harris Hill Road intersection.

**Description/History:** Existing commercial building located in a Residential Zone with a use variance to allow for commercial uses. Existing plaza contains Discover Golf and Waxing studio and the rear building houses a construction company.

**Proposal:** Applicant is seeking approval to operate an automotive detailing use in the rear building.

**Comprehensive Plan:** Area identified in a residential classification.

**Reason for Town Board Action:** Automotive uses will require Town Board approval in the form of a Temporary Conditional Permit.

**Issues:** Conditions to include 1 year initial term and a limit on outdoor storage of vehicles.

**2. PROPOSED MORATORIUM FOR AUTOMOTIVE USES ALONG SHERIDAN DRIVE.**

**Location:** Sheridan Drive Corridor

**Description/History:** Corridor contains Restricted Business Zone and Commercial Zone throughout the entire length. Automotive uses are controlled via a Special Exception Use Permit in the Commercial Zones and the possibility of a Temporary Conditional Permit in the Restricted Business Zone.

**Proposal:** A 6 month moratorium to work on code updates to address automotive uses along the Sheridan Drive Corridor.

**Comprehensive Plan:** The Sheridan Drive corridor is a major east west commercial corridor in the Town of Clarence and is being analyzed for safety, interconnectivity and multimodal uses. Automotive uses have been a concern along Main Street and the Town would like to have time to develop codes that allow for uses that are compatible with Clarence 2030.

**Reason for Town Board Action:** The temporary moratorium will allow the Town Board to task the Planning Board and Planning Department with researching and analyzing code considerations to ensure that the Sheridan Drive Corridor is developed in concert with long range goals of the community. Ultimately the Town Board will have final authority to adopt any code amendments.

**Issues:** A referral to the Planning Board would initiate formal review of the Town codes dealing with automotive uses along the Sheridan Drive corridor.

### **3. PROPOSED MORATORIUM FOR MULTIPLE FAMILY HOUSING USES.**

**Location:** All zoning classifications that allow multiple family residential uses which include Commercial, Restricted Business and Traditional Neighborhood District Zones.

**Description/History:** Current codes allow for multiple family housing with a 25% commercial component in the Commercial and Restricted Business Zones. Density calculations have been modified to utilize only that portion of the overall property that will contain multiple family housing. This requirement has worked to reduce the overall amount of commercial uses on any given property. In addition, there is no code requirement to incentivize integration of uses for an overall site plan.

**Comprehensive Plan:** Multiple Family Residential Uses are an important part of the overall community and proper design considerations will need to be developed to ensure long term sustainability.

**Reason for Town Board Action:** The temporary moratorium will allow the Town Board to task the Planning Board and Planning Department with researching and analyzing code considerations that will be in the long term best interests of the community.

**Issues:** A referral to the Planning Board would initiate a formal review of the Town Codes dealing with Multiple Family Residential Developments.

### **FORMAL AGENDA ITEMS:**

#### **1. CIMATO BROTHERS CONSTRUCTION/RIEGLE'S NORTHWOODS SUBDIVISION.**

**Location:** North of Roll Road and East of Newly Installed Access to Northwoods Subdivision.

**Description/History:** Previously Approved Open Space Design Subdivision.

**Proposal:** Applicant is proposing to construct a wetland mitigation for the Woodland Hills Subdivision within the required Open Space within the Northwoods Subdivision.

**Comprehensive Plan:** Area identified in a residential area and within a protected open space area within the approved subdivision.

**Reason for Town Board Action:** Per the Clearing, Filling and Grading Local Law, the Town Board has final approval authority for permitting such operations.

**Issues:** The proposed mitigation area does not impact the ultimate density calculation for the subdivision and the U.S. Army Corps of Engineers has approved/permitted the design.

## **2. FRANK RIVET/STRICKLER ESTATES SUBDIVISION.**

**Location:** West side of Strickler Road, south of Clarence Center Road.

**Description/History:** Existing previously approved large lot subdivision located in the Agriculture Rural Residential Zone.

**Proposal:** Applicant is seeking a public road dedication of approximately 300' of Dillon Court to accommodate a secondary driveway access to a previously approved Map Covered lot along Shamus Lane.

**Comprehensive Plan:** Area identified in an agricultural area.

**Reason for Town Board Action:** Per the Subdivision Law, the Town Board may accept roads for public dedication.

**Issues:** Legal and proper filing of the required road deeds is necessary for final public dedication.

## **3. ROXBERRY PHASE2/HELENWOOD EXTENSION.**

**Location:** South side of Sheridan Drive as an Extension to Helenwood Drive.

**Description/History:** Previously conceptually approved public road extension to service 7 new lots.

**Proposal:** Applicant is seeking a variance to the Town Subdivision Law to allow for more than 12 lots on a cul-de-sac. The total number of lots on the cul-de-sac for this road extension will be 16 with an exception lot that could make it 17 lots in the future.

**Comprehensive Plan:** Area identified in a residential single family zone.

**Reason for Town Board Action:** Per the Subdivision Law, the Town Board has authority to grant variances to the strict application of the requirements of the subdivision design criteria via a Supermajority approval.

**Issues:** The Planning Board has approved the submitted design. The Harris Hill Fire Chief has reviewed the design and the updated water line upgrades and has approved the project.

**WORK SESSION ITEMS (FOR CONSIDERATION AT THE 2/22/17 MEETING):**

**1. MIKE SHIELDS/AMISH SHEDS, 8570 MAIN STREET.**

**Location:** North side of Main Street east of Harris Hill Road.

**Description/History:** Existing retail use located in the Harris Hill TND.

**Proposal:** Applicant would like to obtain a new Temporary Conditional Permit for outside display of products. This TCP was not renewed in 2016 to give the applicant an opportunity to acquire more space in the existing plaza and to come forward with a more long term plan.

**Comprehensive Plan:** Area identified within the Harris Hill Traditional Neighborhood District.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has final approval authority for issuing Temporary Conditional Permits.

**Issues:** New display area to include 13 total items in a pleasing configuration.

**2. RUSSELL SALVATORE/THE ABBEY, 6449 TRANSIT ROAD.**

**Location:** East side of transit Road north of Old Post Road.

**Description/History:** Existing previously approved Special Exception Use Permit to allow for a mixed use project currently under construction.

**Proposal:** Applicant is seeking an amendment to the previously approved architectural style.

**Comprehensive Plan:** Area identified in a commercial classification.

**Reason for Town Board Action:** As the Town Board is the final approval authority for Special Exception Use Permits, any modification to the original approval will require Town Board approval.

**Issues:** The Planning Board has forwarded a unanimous recommendation on the updated design that includes a mix of materials. Instead of an all brick façade, the applicant is proposing a mix of materials to include brick, stone and vinyl.

**3. TOWN SOLAR CODE.**

The Town Planning Board has completed a draft solar code dealing with ground mounted installations. The Planning Board has forwarded a unanimous recommendation to adopt the code as prepared. A Negative Declaration under SEQRA has been issued and the Town Board may set a public hearing date to consider formal adoption of the code.